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22 **UNITED STATES DISTRICT COURT**

23 **SOUTHERN DISTRICT OF CALIFORNIA**

24 **KFX MEDICAL CORPORATION**, a Delaware
25 corporation,

26 Plaintiff,

27 vs.

28 **ARTHREX, INCORPORATED**, a Delaware
corporation,

Defendant.

Case No. 3:11-CV-01698 DMS-BLM

Hon. Dana M. Sabraw

**DEFENDANT ARTHREX, INC.'S FIRST
SET OF DOCUMENT REQUESTS TO
PLAINTIFF KFX MEDICAL CORP.**

1 **REQUEST NO. 57:**

2 Documents sufficient to identify each Arthrex product and/or procedure that Plaintiff believes
3 infringes the '311 Patent as alleged in the Complaint.

4 **REQUEST NO. 58:**

5 All documents that relate to any and all embodiments disclosed in the '311 Patent, including
6 all documents such as, lab notebooks, test reports, etc., relating to any research and development with
7 respect to any such embodiments.

8 **REQUEST NO. 59:**

9 All documents that relate to, or provide basis or support for, any of Plaintiff's contentions,
10 positions, or assertions made or to be made concerning Plaintiff's damage theories relating to the '311
11 Patent in this litigation, including, without limitation, contentions, positions, or assertion made or to
12 be made concerning the theories of lost profits, reasonable royalty, established royalty, lost sales,
13 and/or reduced or depressed pricing, and/or any other basis for alleged compensation under 35 U.S.C.
14 § 284, including, without limitation:

- 15 a. all documents that relate to Plaintiff's profit margins on SutureCross;
16 c. all documents that reflect the rate at which Plaintiff pays interest on incurred debts;
17 d. all documents that Plaintiff contends support an established royalty;
18 e. all documents that reflect the pricing of SutureCross.

19 **REQUEST NO. 60:**

20 All documents that relate to any contemplated, proposed or actual license agreements to which
21 KFx is a party for surgical procedures or suture anchors.

22 **REQUEST NO. 61:**

23 All documents related to any contemplated, proposed or actual royalty rate paid by KFx or
24 paid to KFx for surgical procedures or suture anchors.

25 **REQUEST NO. 62:**

26 All documents sufficient to show to any general technology or intellectual property licensing
27 policy(ies) of Plaintiff.

28 **REQUEST NO. 63:**

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2011, **DEFENDANT ARTHREX, INC.'S FIRST SET OF DOCUMENT REQUESTS TO PLAINTIFF KFX MEDICAL CORP.** was served by electronic mail on the following counsel of record:

Counsel for Plaintiff KFx Medical Corporation

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Dated: December 29, 2011

By: /s/ Salvatore P. Tamburo

Salvatore P. Tamburo
DICKSTEIN SHAPIRO LLP